App. F. IX-4

Previous References

1933. (Law) (17)

File No. 2533

Serial Nos. 1 — 5

Letter References.

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. June.

Part B for Feb '35.

SUBJECT.

Re- Applen. filed by Mr. Belur Srinivasa Iyengar, Advte praying for withdrawal of the proceedings instituted against him under the Mysore Legal Practitioners Regln.

S) To The Govt. Advte.

WD 03607—GPB—22,500—2-8-35

No. P 3964 dt 19.2.35.

States that Govt. have no instructions to issue in the matter & that the decision may be left in the hands of the Govt.

Dr. Abdul Aziz
12.11.35

In reply please refer to
No.....

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore, 26th August 1933 193--.

Confidential.

FROM

Law.25-33-7.

A. R. NAGESVARA IYER, ESQ., B.A., B.L.,
GOVERNMENT ADVOCATE IN MYSORE,
BANGALORE.

To

H. V. Ramaswami, Esq., M.A., B.L.,
General Secretary to the Govt.
of H. H. the Maharaja of Mysore,
Bangalore.

SIR,

I have the honor to forward herewith for the information of Government a letter dated the 25th instant (in original) and the enclosure thereto, received from the Registrar, High Court of Mysore, asking me to take notice of a case under the Legal Practitioners' Regulation, in which Mr. Belur Srinivasa Iyengar, Advocate, has been asked to show cause why he should not be dealt with under section 11 (b) of the Mysore Legal Practitioners' Regulation, in connection with a case before the Additional District Judge of Bangalore, and to request that I may be kindly favoured with instructions whether I should appear in the case on behalf of Government. The enclosures sent herewith may be kindly returned to me with your reply.

2. The case is posted for hearing to Monday, the 11th September 1933.

28 AUG 1933
1637

I have the honor to be,
Sir,
Your most obedient servant,
V. N. Nageshwara Iyer
Government Advocate.

H. Under Rule 23 it is sent and not the High Court that should instruct the Govt. Advocate to appear Vide Rule 26 also. However he may be asked to appear on behalf of Govt.
I Member

1189 P & 33

2

[App. F. III—2

General and Revenue Secretariat | Govt File No. 25 of 1933.

Serial No.

Letter No. ROC 234/33-34 dated 29th August 1933 from the Registrar High Court, requesting approval of Govt to the action taken by the High Court in having asked the Govt Advocate to appear in the case against Rao Bahadur Srinivasa Iyengar and for the Legal Pr: Regn: and further requesting the issue of necessary instructions to him in the matter.

"may be approved"

1st member
Dewan

sd R.R. 29/8

I agree

sd K.M.
30/8/33

sd M.V.K.
30/8/33.

A draft G.O requesting the G.A to appear on behalf of Govt in the case is put up for orders. It is not clear what further instructions have to be issued in the matter.

(Mr. Seshagiri Iyer to be seen)

No other member

I Member

1/9/33

1/9

1/9

Issue today.

1/9

OFFICE OF THE ... COUNCIL
FIRST MEMBER
1 SEP. 1933
No. 1258

NOTE—Count Sheets

1 SEP. 1933
4-53 P.M.
REVENUE & REVENUE

WD 70—GBPM—60,000—13-8-31

3

File No. of 193 . | General and Revenue Secretariat

To,

The Govt. Ad.

" Regr H.Ct

" Cantholler

G.O. no. P. 1055-57 Law 25-33-2 dt 19.9.33 directing the Govt Ad. to appear on behalf of Govt in the notice issued by Mr. Betur Sreenivasa Zenger

Sec C
to take the progress
8/9/33

4533 f 33 4

In reply please refer to
No. 575 Gen. one 7

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE.

Bangalore, 16th February 193 4.

IMMEDIATE
and CONFIDENTIAL.

Law 25-33-4

FROM

A. R. NAGESVARA IYER, ESQ., B.A., B.L.,
GOVERNMENT ADVOCATE IN MYSORE,
BANGALORE.

To

H. V. Ramaswami, Esq., M.A., B.L.,
General Secretary to the Government
of H. H. the Maharaja of Mysore,
Bangalore.

SIR,

Re: C. P. No. 9 of 1933-34, on the file
of the High Court of Mysore.

Adverting to Government Order No. P. 1055-57/Law.25-33-3 dated the 1st September 1933, I have the honor to forward herewith, for the information of Government and for instructions, a copy of the application filed this day, by Mr. Belur Sreenivasiengar, Advocate, praying for the withdrawal of the proceedings instituted against him by the High Court under the Mysore Legal Practitioners' Regulation. As the case is posted for hearing to Monday, the 19th instant, I request the favour of an early reply.

I have the honor to be,

Sir,

Your most obedient servant,

M Nagesvara Iyer

Government Advocate.

Htm
16/2/34
Recd at 5-10 PM.
Htm

I do not think Govt can
H. issue any instructions in
the matter. The Govt Advocate
may leave the decision in
the hands of the Court.

Gen Sec)

MMP
16/2

I agree

Htm 16/2/34

(Htm)

I agree

MMP 16/2

H.S. Please reply accordingly at once
Htm 17.2.34

MMP 19/2

IN THE HIGH COURT OF MYSORE, BANGALORE.

C. P. No. 9 of 33--34.

Petitioner:- Government of Mysore.

vs.

Opponent:- Mr. Belur Srinivasiengar.

I, the opponent beg to state as hereunder:-

I much regret that an unfortunate combination of circumstances should have given room for some remarks regarding my conduct in O.S.22 of 28-29 on the file of the District Judge, Bangalore. I fully realise that that was due to my omission tox report to court, my withdrawal from the case, which I now beg to assure this Hon'ble Court was due to oversight on my part and was not wilful.

In view of this explanation, I respectfully pray that the said omission on my part be kindly.-condoned and the proceedings be withdrawn.

Bangalore,
Date 16-2-1934. (Sd) Belur Sreenivasiengar,

P.S. A copy of this application has been sent to the Government Advocate.

True Copy.
(Sd) Belur Sreenivasiengar,
16-2-1934.

Copy.

Government Advocate.

Serial No.

Subd: with a dft. reply accordingly

ISD 19/2

Issue now 19/2

To,

The Govt. Advocate

No. P. 3946 dt. 19.2.36 informing that Govt. have no instructions to give in the matter and the decision may be left in the hands of the H. Ct.

I have shown the file to Mr Nageswara Iyer yesterday the issue of the orders of the Govt. 19/2

Sri C Kamath re receipt. 20/2/36

WD 0434—GPB—15,000—12-10-35

5224 f33

In reply please refer to
No. 625

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore, 27th March 1934.

FROM

A. R. NAGESVARA IYER, ESQ., B.A., B.L.,
GOVERNMENT ADVOCATE IN MYSORE,
BANGALORE.

To

The General Secretary to the Govt.
of H. H. The Maharaja of Mysore,
BANGALORE.

DIWAN'S OFFICE
28 MAR 1934
No. 6021

SIR,

With reference to Government Order No. P.1055-57/Law. 25-33-3 dated the 1st September 1933, I have the honor to state that Civil Petition No. 9 of 1933-34 on the file of the High Court of Mysore, (Re: Notice issued to Mr. Belur Sreenivasa Iyengar, Advocate, under the Mysore Legal Practitioners' Regulation) came on for final disposal this day and orders were passed suspending the Advocate from practice for one year.

2. A copy of the Order has been applied for and the same will be sent to you as soon as it is received in this office.

I have the honor to be,
Sir,
Your most obedient servant,

A. R. Nageswara Iyer
Government Advocate.

Submitted for perusal
Chief Secy)
28/3/34

Sub for perusal
28/3/34

Whether he is on any of our Univ. or other bodies & whether this affects his position in the Senate (or Syndicate) ?

Dewan
Member of Council

CSN.

OFFICE OF THE
SECOND MEMBER OF COUNCIL.
29 MAR 1934
No. 6021

29/3

28/3/34

28/3/34

28/3/34

5224

Serial No.

It is learnt that Mr. Belur Srinivasa Iyengar is for the present only elected to the R.A and is not to the L.C. Among the other local bodies, he is a member of the Bangalore city M'C' + of no other Board or Council. The question regarding the City M'C' is being considered separately in another file, which is now before the Govt advocate for opinion.

The only point for consideration now therefore is whether Mr. Belur retains his seat in the R.A. The suspension or dismissal of a legal practitioner under the Legal Practitioners Regulation is not one of the disqualifications for being a member of the R.A. (Please see rules 15 and 20 of the RA manual). Hence Mr Belur cannot, on account of the suspension now ordered by the High Ct, be prevented from taking his seat in the R.A.

As regards the L.C, the disqualifications prescribed in rule 8 of the L.C. manual is only with respect to candidates from the any of the rural or urban constituencies and not to those representing special interests or the Representative Assembly - Rule 10 of the L.C. manual enables any R.A. members to stand for election to the L.C. It therefore follows that Mr Belur is qualified to stand for election to the L.C. from the R.A, in spite of his suspension from the Bar.

Chief Secy)
Thro' Secy RA & LC.

BDV
2/4/34

NOTE—Contn. Sheet.

WD 0434—GPB—15,000—12-10-32

9

5225

File No. of 193 . General and Revenue Secretariat

Serial No.

Neither suspension nor dismissal from being a legal practitioner is a disqualification under the R.A rules for being a member of the R.A. Mr. Behari Srinivasiengar is not therefore prevented from taking his seat in the R.A.

According to Rule 16 of the L.C Rules any member of the R.A is qualified to elect representatives of the R.A to the L.C & under Rule 10, the qualification for candidature for election from the R.A to the L.C is membership of the R.A. It would not therefore be precluded from standing from the R.A to the L.C.

The disqualification in Rule 8 (viii) being a legal practitioner has been debarred from practising by Competent authority" applies only to candidature in the moral & urban Constituencies of the L.C.

It is also doubtful if suspension for a period from practising will amount to being debarred. I think suspended has to be distinguished from debarred" the latter meaning 'dismissal' as it is worded in the legal practitioners Reg. viz permanent disenfranchisement (or disbarment). This may also be inferred from the fact that in respect of govt servants under Sub-clause (vi), it is only dismissal that operates as a disqualification & not mere suspension.

Chief Secretary)

4/7/24

H.S. (Law (Cattle vet.)) please speak. Roy 17/4

CHIEF SECRETARY'S OFFICE APR. 1924

Sérial No.

An examination of the papers relating to the issue of these rules in 1923 regarding the qualifications and disqualifications of voters and candidates to the Representative Assembly and the Legislative Council, shows that the disqualification on account of being debarred from practising as a Lawyer was omitted from the list of disqualifications for candidates to both the Representative Assembly and the Legislative Council as originally proposed by the Seal Committee. Such a disqualification existed in the previous rules governing the election of members to the Legislative Council (Vide Legislative Council Manual 1920 Edition, page 27); and as for the Representative Assembly the rule was that "no person who was subjected by a Criminal Court to any such order as implies in the opinion of Government a defect of character which unfits him to be a member of the Representative Assembly" could be eligible to be a candidate for the Representative Assembly. (Vide Government Orders and Notifications relating to R.A. 1917 Edition.)

'T'

'S'

In 1920-21, a proposal was made to revise the rules for the election of members to the Representative Assembly and it was then proposed and finally approved by Government that it was desirable to disqualify legal practitioners who are debarred from practising by order of any competent court, to stand as a candidate for the Representative Assembly. Orders on this were however not issued, on account of the constitutional changes that were likely to be introduced in pursuance of the recommendations of the Seal Committee.

'O'

'Y'

WD 0434—GPB—15,000—12-10-33

11

File No. of 193 . | General and Revenue Secretariat

Serial No.

The omission of the Seal Committee to include this disqualification among the disqualifications recommended for the candidates both to the Representative Assembly and the Legislative Council was therefore an oversight and this was observed in the note of the Special Officer dated 22nd May 1922 as regards the Legislative Council. In his submission note of 31st August 1923, Sir Albion Banerji observed as follows:- 'N' 'A'

"The second modification relates to lawyers debarred from practice by a competent court. They are, at present, disqualified from being members of the Representative Assembly. This provision has been omitted in the disqualifications prescribed by the Committee but the Council considers that it should be retained."

In the final orders passed, this disqualification was included in the rules relating to the Legislative Council but was omitted from those relating to the Representative Assembly. This may also have been due to an oversight, but this is not free from doubt.

If the intention now is to introduce this disqualification in the Representative Assembly Rules, the rules issued under the Notification No. P. 2397/Legis.12-23-4 dated 7th November 1923 have to be amended. This can be done under the rule making powers of Government vested under Section 6 (2)(e) of the Mysore Representative Regulation, 1923. No previous publication is necessary for making of such a rule nor does the Regulation contemplate any reference to the Representative Assembly or the Legislative Council in such cases.

2449/35 pb

D.89/R.L

12

General and Revenue Secretariat | File No. | of 193 . | [App. F. III—2

Serial No.

IV

Rule 8 of the Legislative Council Manual may also have to be amended, if the intention is, as it appaars to be, that the disqualifications mentioned therein are disqualifications for all candidates to the Legislative Council and not only with respect to persons standing for election in a rural or urban constituency as is now the case. As it is, for instance, though a person under 25 years of age cannot be a candidate for the Legislative Council from the rural or urban constituency, he can well become a member of the Legislative Council if he is elected from the Representative Assembly or any other special constituency.

CHIEF SECY. 16 MAY 1934

Chief Secy) 16/5/34

No action necessary for the present

This file will be closed & recorded after perusal.

Genl Secy) 23/10/35 22/10/35

Chief Secy) Yes.

23 OCT. 1935 The point may be raised when next the election disqualifications come up for review.

24/10/35.

25/10/35

Ref 17/10/35 This may be passed on to the Press Secretary for being recorded.

Press Secy) 22/10/35

GENERAL SECRETARIAT 22 OCT. 1935 4/2

Mr P.S.R & Mr P.V.N for such action as they consider necessary

25/10/1935

Noted and put up.

31.10.35

File 6/4

References collections

Reforms 25-22 and 37-22(R) A — 25-19 taken and Returned.

6.11.35

Secret Branch

6/11/35

NOTE—Copyn. Sheet

WD 0434—GPB—15,000—12-10-33

B 7/4

1189/32

R. O. C. Dis. No. 234/33-34 (one copy).

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore, 28th August 1933.
29th.

Law 25-33-2

FROM

S. Venkata Ranga Iyengar, Esq., B.A., LL.M.,
Registrar, High Court of Mysore.

DEW 4624
30 AUG. 1933 E

To

R. Ranga Rao, Esq., B.A., B.L.,

Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

SIR,

I am directed to enclose herein a copy of order in Miscellaneous Appeal No. 28 of 1932-33 on the file of the High Court passed on the 7th August 1933 and to state that Mr. Belur Srinivasa - Iyengar, Advocate, High Court of Mysore, who is one of the two respondents in the said miscellaneous appeal, has been required to appear before the High Court at 11 A.M. on Monday the 11th September 1933 to show cause why he should not be dealt with under Section 11 (b) of the Mysore Legal Practitioners Regulation 1884 as amended by Regulation I of 1897, XII of 1919 and X of 1928, for fraudulent or grossly improper conduct on his part in the discharge of his professional duty, as observed in the abovesaid miscellaneous appeal.

I am to add that the Government Advocate has been requested to appear in the said case on 11-9-1933 and to request that Government may be pleased to approve of the action taken by the High Court in having asked the Government Advocate to so appear and to issue necessary instructions to him in the matter, under Rule 23 of the Rules for the conduct of Legal Affairs of Government.

I have the honor to be,

Sir,

Your most obedient servant,

S. Venkata Ranga Iyengar

Registrar.

MNA.

Legal 2533-3

2.

Proceedings of the Government of
the Maharaja of Mysore.

R e a d:-

1. Letter No.123 dated 28th Aug. 1933, from the Government Advocate, stating that he has been asked by the High Court to take notice of and to appear in a case under the Legal Practitioner's Regn. against Mr. Belur Srinivasa Iyengar, and requesting for instructions in the matter.

2. Letter No. P.O.C.234/33-34 dated 29th August 1933, from the Registrar, High Court, stating that Mr. Belur Srinivasa-Iyengar has been required to appear before the High Court at 11 A.M. on Monday the 11th September 1933 to show cause why he should not be dealt with under the Legal Practitioner's Regulation for improper conduct in the discharge of his professional duty and requesting approval of Government to the action taken by the High Court in having asked the Government Advocate to appear in the said case under rule 23 of the Rules for the conduct of Legal Affairs of Govt.

ORDER NO. P 1055-57

Dated, Bangalore, the 18th September 1933.

Approved. The Government Advocate is

is requested to appear on behalf of Government in the said case.

DRAFTO

GENERAL SECRETARY TO GOVERNMENT.

1/9/33

The Government Advocate, with the enclosures to his letter.
" Registrar, High Court.
" Comptroller to Government.

K.W.R.1/9.

4

Proceedings of the Government Of His Highness
the Maharaja of Mysore.

Read:-

Letter No.123 dated 28th August 1933, from the Government Advocate, stating that he has been asked by the High Court to take notice of and to appear in a case under the Legal Practitioner's Regulation against Mr.Belur Srinivasa Iyengar and requesting for instructions in the matter.

2. Letter No.R.O.C.234/33-34 dated 29th August 1933 from the Registrar, High Court, stating that Mr.Belur Srinivasa Iyengar has been required to appear before the High Court at 11 A.M. on Monday the 11th September 1933 to show cause why he should not be dealt with under the Legal Practitioner's Regulation for improper conduct in the discharge of his professional duty and requesting approval of Government to the action taken by the High Court in having asked the Government Advocate to appear in the said case under rule 23 of the Rules for the conduct of Legal Affairs of Government.

- - - - - -

ORDER NO: P/053-57/Law 25-33-3

Dated, Bangalore, the 1st September 1933.

Approved. The Government Advocate is requested to appear on behalf of Government in the said case.

Sd/- [illegible]

for General Secretary to Government

ISD

To

The Government Advocate, with the enclosures to his letter.

" Registrar, High Court of Mysore.

" Comptroller to Government.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat

No. P 3944 Dated, Bangalore, 19th February 1934.

From

The General Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Government Advocate,
Bangalore.

Sir,

With reference to your letter No. 515 dated 16th February 1934 soliciting instructions in the matter of the application filed by Mr.Belur Sreenivasa Iyengar, -- Advocate, praying for withdrawal of the proceedings -- instituted against him under the Mysore Legal practitioner's Regulation, I am directed to state that Government have no instructions to issue in the matter. The decision may be left in the hands of the High Court.

I have the honor to be,
Sir,
Your most obedient servant,

For General Secretary to Govt.

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *193* .

Date of issue 19/2/1934

Signed by M. Rao

List of enclosures .....

Issue in the matter.

Copied by 19/2

Examined by .....

Section Gen

File No. 25-33

Serial No. 5

No. P. 3944/—

To

The Govt. Advocate

Sir,

With reference to your letter no. 515 dated 16th Feb'y 1934 re: re a soliciting instructions in the matter of the application filed by Mr. Belur Sreenivasa Iyengar Advocate, praying for withdrawal of the proceedings instituted against him under the Mysore Legal practitioners Regulation I am directed to state that Govt have no objection to the decision in the matter. It may be left in the hands of the High Court

I have etc

M 19/2 for Govt Secy

ISD 19/2/34

WD 0677—G.P.P.—15,000—8-11-33